IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 437 OF 2007
IN
WRIT PETITION NO. 8491 OF 2006

1. Shri Ram Mohan Anandrao
Karpe and ors. ..Applicants

Vs.

1. Smt. Sunanda W/o Ramakant
Desai and ors. ..Respondents

Mrs. D. Patil h/f Mr. Ajit S. Karwande for applicants.

Mr. Ajit A. Kocharekar for respondent nos.1 to 5 absent.

CORAM: B.H. MARLAPALLE, J.

Date : March 16, 2007.

P.C.:

. Writ Petition No. 8491 of 2006 was heard and rejected by this court on 22/12/2006. However, the time to deposit the amount of arrears was extended till 15/1/2007. By the next order dated 19/1/2007 this period was extended by another two weeks. By the third order dated 9/2/2007 the time to deposit was extended by two more weeks. Subsequently, it appears that the petitioners challenged the dismissal order dated 22/12/2006 in SLP (Civil) No.3334 of 2007 and it was heard and dismissed on 2/3/2007. The Supreme

Court has already expedited the hearing of the pending appeal. It is contended by the learned counsel for the applicants that on the very next working day i.e. 5/3/2007 a Demand Draft was drawn in favour of the Registrar, Small Causes Court over Canara Bank for an amount of Rs.1,80,000/- so as to remit the arrears amount in the said court, but it was not accepted. It is evident that when the SLP was dismissed on 2/3/2007 it was a Friday and the next working day, after Saturday and Sunday, came on 5/3/2007 and the Demand Draft was presented on that day and the same should have been accepted by the Small Causes Court.

. It is now directed that if the applicants present this Demand Draft with an application supported by a copy of this order (authenticated) by 20/3/2007, the same shall be accepted by the Registry of the Small Causes Court and placed before the learned Judge for appropriate orders.

. Civil Application disposed off accordingly.

(B.H. Marlapalle,J.)